REMARKS

Claims 1-68 are currently pending in this application. Claims 1-5, 11, 14, 16, 20, 29-33, 36-38, 40-42, 47-55, and 58 are currently being examined. Claims 6-10, 12, 13, 15, 17-19, 21-28, 34, 35, 39, 43-46, 56, 57, and 59-68 have been withdrawn from current consideration until a generic or linking claim has been allowed.

In the April 5, 2005 Office Action, the Examiner objected to claim 46 as been dependent on a withdrawn base claim. The applicants agree and have withdrawn claim 46 from current consideration.

The Examiner rejected claims 1, 3-5, 11, 14, 16, 20, 31, 36-38, 40-42, 47-55 and 58 under 35 U.S.C. § 103(a) as being unpatentable and obvious over United States Patent Application Publication 2005/0004671 ("Ross et al.") in view of United States Patent Application Publication 2005/0055098 ("Zdeblick et al.") The Examiner rejected claims 2, 29, and 30 under 25 U.S.C. § 103(a) as being unpatentable and obvious over Ross et al. in view of Zdeblick et al. in further view of United States Patent 6,277,149 ("Boyle et al."). Finally, the Examiner indicated that claims 32 and 33 contained allowable subject matter, but objected to the claims as being dependent on rejected base claims. The applicants respectfully thank the Examiner for the indication of allowable subject matter. Regarding the rejections, the applicants respectfully traverse the rejection.

The Examiner rejected claim 1 of the present invention under 35 U.S.C. § 103(a) as being unpatentable and obvious over Ross et al. in view of Zdeblick et al. The applicants respectfully traverse the rejection. In particular, amended claim 1 recites a combination of elements including, for example, "the anterior facing surface and the posterior facing surface converging between the substantially flat main body engaging surface to the substantially flat bone engaging surface and the plurality of laterally facing surfaces converging between the substantially flat main body engaging surface to the substantially flat bone engaging surface, such that the linear surface protrusion has a generally trapezoidal cross-section in both an anterior to posterior direction and a lateral direction," which is not disclose or suggested by Ross et al. or Zdeblick et al. Referring first to Ross et al., at most Ross et al. discloses a plurality of surface protrusions where the surface protrusions have two pairs of opposing walls. However,

Ross et al. discloses only one of the two pairs of walls converge from the base of the protrusion to the top of the protrusion. One of the two pairs of wall remain parallel from the base of the protrusion to the top of the protrusion. Similarly, Zdeblick et al. a plurality of surface protrusions having two pairs of opposing walls. Zdeblick et al. also discloses only one of the two pairs of walls converge from the base of the protrusion to the top of the protrusion. One of the two pairs of wall remain parallel from the base of the protrusion to the top of the protrusion. Neither reference discloses "the anterior facing surface and the posterior facing surface converging between the substantially flat main body engaging surface to the substantially flat bone engaging surface and the plurality of laterally facing surfaces converging between the substantially flat main body engaging surface to the substantially flat bone engaging surface, such that the linear surface protrusion has a generally trapezoidal cross-section in both an anterior to posterior direction and a lateral direction" as recited by amended claim 1. As neither reference discloses or suggests the elements of claim 1, it is respectfully submitted that claim 1 is patentably distinct from the references. Moreover, the amendment to claim 1 is not considered to be a narrowing amendment made on conditions of patentability as having the two pairs of opposing walls converge is implicit in having a trapezoidal cross-section in both the anterior to posterior direction and a lateral direction. Thus, it is respectfully submitted that amended claim 1 is patentably distinct from the references of record either alone or in any reasonable combination thereof. Withdrawal of the rejection of amended claim 1 and allowance of the claim is respectfully requested.

Claim 47 has been amended to contain recitations similar to claim 1 described above and, at least by virtue of the similarity, claim 47 is patentably distinct from the references of record either alone or in any reasonable combination thereof. Withdrawal of the rejection of claim 47 and allowance of the claim is respectfully requested.

Claims 2-5, 11, 14, 16, 20, 29-31, 36, 48-55, and 58 depend directly or indirectly from claims 1 or 47 and, at least by virtue of the dependency, are patentably distinct from the references. Withdrawal of the rejections of claims 2-5, 11, 14, 16, 20, 29-31, 36, 48-55, and 58 and allowance of the claims is respectfully requested.

Specifically referring to claim 3, it recites a combination of elements including, for example, "the anterior facing surface forms a first acute angle with the main body

engaging surface and a first obtuse angle with the bone engaging surface, the posterior facing surface forms a second acute angle with the main body engaging surface and a second obtuse angle with the bone engaging surface, each of the plurality of laterally facing surfaces form at least a third acute angle with the main body engaging surface and at least a third obtuse angle with the bone engaging surface," which is not shown or disclosed by either Ross et al. or Zdeblick et al. Rather, both Ross et al. and Zdeblick et al. disclose at least two ninety degree angles that are neither acute nor obtuse. For at least this additional reason, claim 3 is patentably distinct from the references of record either alone or in any reasonable combination thereof.

The Examiner rejected claim 37 under 35 U.S.C. § 103(a) as being unpatentable and obvious over Ross et al. in view of Zbeblick et al. The applicants respectfully traverse this rejection. In particular, amended claim 37 recites a combination of elements including, for example, "the anterior facing surface is angled between the right facing surface and the left facing surface with respect to the anterior face," which is not disclosed by the references. Rather, and at most, Ross et al. and Zbeblick et al. disclose an anterior facing surface **not** angled with the anterior face between the right facing surface and the left facing surface. Angling the anterior facing surface provides a twist to the bone engaging surface relative to the superior or inferior surface of the implant, see for example, Figure 6 of the present invention. Conversely, both Ross et al. and Zbeblick et al. have bone engaging surfaces substantially aligned with the orientation of the implant. Thus, it is respectfully submitted that claim 37 is patentably distinct from the references of record either alone or in any reasonable combination thereof. Withdrawal of the rejection and allowance of claim 37 is respectfully requested.

Claims 38, and 40-42 depend directly or indirectly from claim 37 and, at least by virtue of the dependency, are patentably distinct form the references either alone or in

any reasonable combination thereof. Withdrawal of the rejection of claims 38, and 40-42 and allowance of the claims is respectfully requested.

Respectfully submitted,

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Brian Kinnear
Registration No. 43,717
ATTORNEY FOR APPLICANT

HOLLAND & HART LLP
555 17th Street, Suite 3200
Post Office Box 8749
Denver, Colorado 80201-8749
Telephone: (303) 295-8170
Facsimile: (303) 295-8261

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